

Request for Variance or Appeal

The Board of Adjustment consists of five (5) members and all cases must be heard by at least four (4) members. The Board is a quasi-judicial board. It is not a legislative body with the authority to amend ordinances or create new laws. The Board conducts hearings on matters dealing with the Wylie Zoning Ordinance and determines if strict compliance with the ordinance will create a hardship. The Board also considers whether the variance will comply with the spirit and intent of the ordinance. In order for a variance to be granted, all six (6) items (A through F) identified on the application must apply. If any of the items do not apply, the Board does not have the ability to grant a variance.

The Board also has the authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by any administrative official of the City in the enforcement of the Zoning Ordinance. Such appeals must be filed within fifteen (15) days of the rendering of the decision by the administrative official.

A pre-filing interview may be held if requested by the applicant or if deemed necessary by the City.

The application must be signed by the property owner. If the applicant is not the owner, a notarized document showing authority to request the variance must accompany the application.

The following must also accompany the application packet:

1. \$100.00 application fee.
2. A site plan of the lot showing all property lines as well as a depiction of the requested variance. If a variance from building setback requirements is requested, the site plan must be stamped by a licensed surveyor.

Application fee, necessary documents, etc. in completed form must be submitted to the Building Official. You must apply ten (10) copies of any supporting documents larger than 8 1/2 x 11 inches or any colored rendering.

After the above items have been completed, the variance request will begin the following process:

1. The applicant and all property owners within 200 feet of the property where the variance is requested will be notified of a public hearing to be held by the Board of Adjustment by notice deposited in the U.S. mail. Said notices are to be mailed at least 10 days prior to the public hearing.
2. The applicant or representative should be present at the Board of Adjustment public hearing. Failure to attend the public hearing may cause the Board to deny the item without prejudice to refiling. The letter, referenced in 7 A. above, will be your notification of any hearing.
3. Persons who are in favor or who oppose the request are allowed to appear before the Board in order to present their views.

Any additional information such as renderings, elevations, models or other supporting documents that you wish to submit may be introduced at the meeting.

According to state law, no variance can be granted without the concurring vote of at least four (4) members of the Board.

**APPEALS TO A DECISION RENDERED
BY THE BOARD OF ADJUSTMENT**

The only appeal to a decision rendered by the Board of Adjustment is to State District Court. The appeal must be filed with the district court within ten (10) days of the Board's decision. State law prohibits the City Council from hearing any appeals.